IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No. 15247 of 2006
Date of decision: September 22,2006

Harpreet Kaur V. State of Punjab and others

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S.BHALLA

Present: Shri Mannu Devgan,Advocate, for the petitioner.

Viney Mittal,J.

The petitioner has approached this court for the issuance of directions to the official respondents to grant her admission in MBBS Course for the session 2006 in the category of wards of persons “killed in terrorist action”. She has additionally challenged the admission/selection of respondents No.4 and 5 who according to the petitioner, did not produce the requisite certificates from the competent authority indicating that they belonged to the aforesaid category.

As per her own showing, the petitioner is the grand daughter of one Kartar Singh son of Diwan Singh, who was killed during “Operation Blue Star” in Army action in June,1984 at Amritsar. The petitioner is the daughter of Lakhwinder Singh son of Kartar Singh. She claims that a certificate in this regard was issued by the Additional Deputy Commissioner, Kapurthala on June 30,2005, Annexure P/2 and along with the aforesaid certificate, the petitioner applied seeking admission to MBBS Course in the category of wards of terrorists affected persons under 1% reserved seats. However, the claim of the petitioner having not been accepted, she has approached this court through the present

petition.

We have heard Shri Mannu Devgan, learned counsel appearing for the petitioner and have also gone through the pleadings in the petition.

At the out-set, we may notice that as per categories code No.21 and 22 (a category to which the petitioner claims admission), a certificate was required to be furnished by a candidate issued by the Deputy Commissioner/GA to Deputy Commissioner/Additional Deputy Commission of the District. A proforma of the aforesaid certificate is available at page No.54 of the prospectus for PMET 2006 appended as Annexure P1 with the present petition. The aforesaid proforma reads as under :

Categories Code-21 & 22

CERTIFICATE TO BE FURNISHED BY THE CANDIDATES BELONGING TO THE CATEGORY KILLED IN TERRORIST ACTION/RIOT AFFECTED/DISPLACED PERSONS. THE CHILDREN OF INNOCENT CIVILIANS KILLED BELONGS TO CATEGORY KILLED IN TERRORIST ACTION/IN TERRORIST VIOLENCE OR DURING OPERATION BY SECURITY FORCES ACTING IN AID OF CIVIL POWER.

Certified that Mr./Ms._____S/D of Shri_____father/mother of Mr./Ms._____(name of the candidate) riot affected/displaced person was innocent civilian killed during terrorist violence/operation by Security Forces acting in aid of civil power.

Date: (Official Seal) Signature of Deputy Commissioner/
GA to DC/ADC of the District

A perusal of the aforesaid proforma of the certificate required to be furnished by a candidate belonging to the categories Code No.21 and 22 shows that the said category is only available to a son/daughter of a person who was riot affected/displaced person or was innocent civilian killed during terrorist violence/operation by Security Forces acting in aid of civil power. Concededly the petitioner is not the daughter of such a person. In fact she is the grand daughter of Kartar Singh who is claimed to have died in “Operation Blue Star”in Army action in June,1984. In these circumstances,on her own showing the petitioner is not even eligible for consideration under Categories No.21 and 22. Thus, neither her claim for admission can be considered nor her challenge to admission of respondents No.4 and 5 has any basis.

Dismissed.

Copy Dasti on usual payment.

(Viney Mittal)
Judge

September 22,2006 (H.S.Bhalla)
sks Judge